

REMARKS

Applicants thank the Examiner for her time in discussing this application with their attorney on August 24, 2004. Although an agreement on allowable claim language was not reached during that interview, the Examiner's comments were extremely helpful and have been taken into consideration when preparing this Amendment.

Claims 1-11 are pending in the present application. In a Final Office Action, mailed June 30, 2004, the Examiner rejects claims 1-11 under Section 112, first paragraph, on the grounds that the claims do not comply with the written description requirement. In particular, the Examiner rejects the claims on the grounds that the term "steady state" is not supported by the disclosure, as originally filed.

In the previous Office Action, mailed December 4, 2003, the Examiner had also rejected the same claims under Section 112, first paragraph, for failing to comply with the enablement requirement; and had rejected the claims under Section 112, second paragraph, on the grounds that the claims were unclear. As the current Office Action recites only the written description rejection, the applicants assume that the other two bases for rejecting the claims have since been withdrawn.

Applicants thank the Examiner for entering the previous amendment and examining the amended claims, and for indicating that the claims would be allowable provided the written description requirement is resolved. Accordingly, by this Amendment, independent claims 1, 4, 6 and 8 have been amended to provide more clarity and to resolve the Examiner's objections. No new matter has been added.

Applicants respectfully request reconsideration of the application in view of the above amendments and the following remarks.

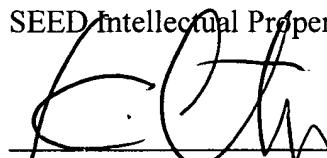
Claims 1, 4, 6, and 8 have been amended to recite that the inventive system and method measure the temperature difference "within a short period of time" following the introduction of heat to the system, and calculate the thermal conductivity using the measurement that was taken during that short period of time. Claims 1, 4, and 6 have further been amended to recite that the short period of time is "substantially less than one hour." The term "a short period of time" is expressly supported in the original application at page 1, lines 22-23, and at page 10,

lines 10-11 and 15-16. By comparison, the prior art is characterized in the application as taking “about 1 hour” (page 1, lines 17-18). Accordingly, the original specification expressly discloses that the inventive method and system operated “within a short period of time” and/or “substantially less than one hour.” Thus, applicants assert that the amended claim language is supported by the original specification, resolving the Examiner’s rejection under Section 112, first paragraph.

In light of the foregoing, all of the pending claims are in condition for allowance. Applicants therefore respectfully request reconsideration of the application and allowance of all pending claims. If Examiner wishes to discuss the above-noted distinctions between the claims and the cited references, or any other issues, the Examiner is encouraged to contact the undersigned attorney by telephone.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC



---

Kevin S. Costanza  
Registration No. 37,801

KSC:ljs

Enclosure:  
Postcard

701 Fifth Avenue, Suite 6300  
Seattle, Washington 98104-7092  
Phone: (206) 622-4900  
Fax: (206) 682-6031

498419\_1